

## **REMARKS**

The Office Action dated March 22, 2005 has been fully considered by the Applicant.

The allowance of dependent Claim 4 if rewritten in independent form is gratefully acknowledged.

By way of the present amendment, independent Claims 1 and 12 have each been revised.

The rejection of independent Claims 1 and 12, as now amended, under 35 U.S.C. §102(b) as anticipated by Westerval, Jr. et al. (U.S. Patent No. 4,885,893) and under 35 U.S.C. §103 as obvious over Westerval, Jr. et al. in view of Willis (U.S. Patent No. 4,821,816) is respectfully traversed. As now amended, independent Claims 1 and 12 each clearly convey that the alignment and engagement of the sections of the mast occurs while the bottom mast section and the top mast section are in substantially horizontal orientations or arrangements. This facilitates and permits alignment and engagement of the bottom mast section with the top mast section prior to positioning the mast in a vertical orientation and without need for a crane or other material handling device to manipulate the mast sections between horizontal and vertical. This is not the case with either the Westerval or Willis references. In particular, Westerval, Jr. et al. will not operate in a purely horizontal configuration. The hook arrangement 86 of Westerval requires a horizontal to vertical rotation in order to engage the opposing pair of connections. Additionally, Westerval requires a second movement to pull the bottom mast section into the final connection orientation.

Willis shows one example of known hydraulic cylinders used to raise a complete or assembled drilling rig mast from the horizontal to the vertical use position but is otherwise dissimilar. In particular, there is no suggestion in Willis to use the rig's mast raising cylinders to align and then connect the self-connecting mechanism of the present invention.

Accordingly, the combination of Westerval, Jr. and Willis, taken together, does not achieve the claims.

Moreover, it is impermissible to combine the teachings of Westerval, Jr. et al. and Willis together.

It is improper to combine references to achieve the invention under consideration unless there is some incentive or suggestion in the references to do so.

The Court of Appeals for the Federal Circuit has repeatedly held that under Section 103, teachings from various references can be combined only if there is some suggestion or incentive to do so. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F2d 1572, 221 USPQ 929 (CAFC 1984).

Stated another way:

It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps...The references themselves must provide some teaching whereby the applicant's combination would have been obvious. In re Gorman, 18 USPQ2d 1885 (CAFC 1991).

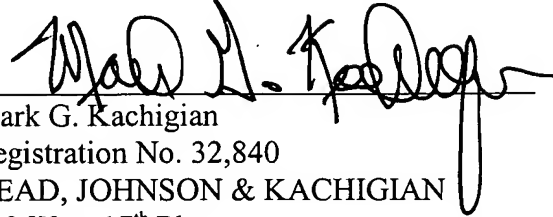
The Examiner is required to follow the law as set forth by the Federal Circuit. In summary, the combination of patents to achieve the claims of the present invention is untenable.

The remaining claims are dependent on the independent claims and are believed allowable for all the same reasons.

It is believed the foregoing is fully responsive to the Office Action and that the application is now in condition for allowance and such action is earnestly solicited.

If any further issues remain, a telephone conference with the Examiner is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark G. Kachigian', written over a horizontal line.

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